

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|------------------------------|
| TIMOTHY HEMBREE, | § |
| | § |
| Defendant Below- | § No. 551, 2006 |
| Appellant, | § |
| | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| STATE OF DELAWARE, | § in and for Sussex County |
| | § Cr. ID 9509002602 |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: November 27, 2006

Decided: January 25, 2007

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 25th day of January 2007, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated October 3, 2006. The Superior Court did not err in concluding that appellant's fourth motion for postconviction relief was untimely and previously adjudicated and that appellant had failed to overcome these procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice